

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN MCKAY, *et al.*, individually and on behalf of all others similarly situated,

Plaintiffs,

V.

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants/Third-Party Plaintiffs,

V.

OXYVINYL LP, *et al.*,

Third-Party Defendants.

CASE NO. 4:23-CV-00242-BYP

JUDGE BENITA Y. PEARSON

**DEFENDANT / THIRD-PARTY DEFENDANT OXYVINYLS LP'S
MOTION TO (1) DISMISS PLAINTIFFS' FIRST AMENDED MASTER
CONSOLIDATED CLASS ACTION COMPLAINT AND JURY DEMAND AND/OR
(2) TO STRIKE PLAINTIFFS' REQUEST FOR PUNITIVE DAMAGES**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), Defendant / Third-Party Defendant OxyVinyls LP respectfully moves the Court to dismiss Plaintiffs' First Amended Master Consolidated Class Action Complaint as against OxyVinyls for failure to state a claim upon which relief can be granted and/or to strike Plaintiffs' request for punitive damages. A Memorandum in Support is attached.

Respectfully submitted,

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